

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 05CV11323-MLW

CRYSTAL A. ATHERTON, and
ROBERT W. ATHERTON

Plaintiff,

v.

CITY OF BEVERLY, WILLIAM F.
SCANLON, JR., in his official and
individual capacity, and JOHN DUNN, in
his official and individual capacity,

Defendants

DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT
PURSUANT TO FED.R.CIV.P.56

Now come the defendants, City of Beverly, William F. Scanlon, Jr., and John Dunn (collectively "the Defendants"), and hereby move for summary judgment on all claims against the Defendants pursuant to Fed.R.Civ.P.56.

As grounds therefor, the Defendants state that there are no material issues of fact in dispute, and the Defendants are entitled to judgment as a matter of law. The Defendants further rely upon and incorporate herein the Defendants' Local Rule 56.1 Statement of Facts and exhibits thereto, as well as the Memorandum of Law in Support of this Motion for Summary Judgment filed contemporaneously herewith.

WHEREFORE, the Defendants respectfully request that this Court grant their Motion for Summary Judgment on all counts of the complaint against them.

DEFENDANTS,

CITY OF BEVERLY,
WILLIAM F. SCANLON, JR., and
JOHN DUNN,

By their attorneys,

/s/ Elizabeth Corbo
David C. Jenkins (BBO# 251000)
Elizabeth R. Corbo (BBO# 640131)
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CERTIFICATE OF SERVICE

I, Elizabeth R. Corbo, hereby certify that on the below date, I served a copy of the foregoing Defendants' Motion for Summary Judgment and Statement of Facts Pursuant to Local Rule 56.1 with Exhibits 1-36 by first class mail, postage prepaid, to the following counsel of record:

Jordan L. Shapiro, Esq.
Shapiro & Hender
640 Main Street
Malden, MA 02148

Dated: March 13, 2008

/s/ Elizabeth R. Corbo